

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 4:10CR3052 |
| |) | |
| v. |) | |
| |) | MEMORANDUM AND ORDER |
| MY TAN CAO, |) | |
| |) | |
| Defendants. |) | |

The defendant has moved to review his detention and requests a hearing. Under 18 U.S.C. § 3142(f) the magistrate judge may only review detention if “information exists that was not known to the movant at the time of the hearing and that has a material bearing” on the amelioration of the risks of non appearance and safety. Therefore, motions for review of detention must specify the factual basis for the motion, the materiality of the facts to the issues, and that the information was not known previously. The defendant’s motion does not include this requisite information.

Accordingly,

IT IS ORDERED that the defendant’s motion to review detention, (filing no. 67), is denied without prejudice to re-filing, if appropriate, in accordance with the requirements described in this order.

DATED this 14th day of July, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge